



RIGHTS STUFF

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Housing Discrimination Cases

We don't get many housing discrimination complaints in Bloomington. That doesn't necessarily mean we don't have housing discrimination in Bloomington; it may just mean people don't file complaints with us for whatever reason.

We do get reports of housing discrimination in other areas. A recent issue of Housing Rights Advocate, published by the Austin Tenants' Council, describes three cases they've dealt with.

In the first case, two female tenants, along with the Austin Tenants' Council and the Texas Workforce Commission/Civil Rights Division, settled a sexual harassment case against a landlord named Henry Carter. Mr. Carter owned 30 rental properties. His tenants alleged that he engaged in a pattern of sexual harassment of his female tenants, many of whom were on Section 8. The lawsuit said he subjected his female tenants to unwanted verbal sexual advances and unwanted sexual touching, granted and denied tangible housing benefits in exchange for sexual favors, took adverse action against female tenants when they refused or objected to his sexual advances and denied rentals on the basis of sex. TWC investigated and found reasonable cause to believe that discrimination had occurred. A lawsuit followed. The defendants denied any wrongdoing but agreed to settle the matter. Under the settlement, the property owner had to pay \$275,000 to the plaintiffs. Mr. Carter is permanently barred from managing rental property. Any of his sons who manage rental property are required to attend fair housing training.

The second case involved a tenant with a disability. His new landlord told him that his live-in caregiver would have to be added as an occupant to his lease and her income would be included in the calculation of his rent. This new rule would have increased the tenant's rent by \$350 a month. Since the caregiver was "essential to the care and well-being" of the tenant, the caregiver's income should not have been included in the calculation. The aide is not a permanent member of the tenant's household and has no claim to stay in the property if the tenant moves. ATC convinced the landlord not to consider the aide's income in calculating the tenant's rent.

The third case involved a woman with a terminal illness. She asked to be released from her lease so that she could move in with family members who could care for her. The landlord said she did not believe that the tenant had a disability. But since the tenant could not care for herself, she met the definition of a person with a disability. The manager said that if she moved out before her lease was up, she would owe the apartment complex several thousand dollars. ATC helped her file a fair housing complaint alleging that the landlord was refusing to provide her, a person with a disability, the reasonable accommodation of getting out of her lease early. A week later, the woman died. The Austin Fair Housing Office negotiated a settlement in which the woman's beneficiaries received a \$3,000 settlement.

If you have questions about your rights and responsibilities under fair housing laws, please contact the BHRC. ♦

BHRC Staff

Barbara E. McKinney,
Director

Barbara Toddy,
Secretary

Commission Members

Valeri Haughton, Chair

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Secretary

Byron Bangert

Prof. Carolyn Calloway-Thomas

Luis Fuentes-Rohwer

Beth Kreitl

Mayor

Mark Kruzan

Corporation Counsel

Kevin Robling

BHRC
PO BOX 100
Bloomington IN
47402
349-3429
human.rights@
bloomington.in.gov



A Monumental Decision

Does the free speech clause of the First Amendment entitle a private group to insist that a municipality permit it to place a permanent monument in a city park where other donated monuments were previously erected? The U.S. Supreme Court recently said no.

Pleasant Grove City, a small city in Utah, has a 2.5-acre public park called Pioneer Park. Currently the park has 15 permanent displays, at least 11 of which were donated by private entities. The displays include a historic granary, a wishing well, the City's first fire station, a September 11 monument and a Ten Commandments monument.

In 2003, a religious organization called Summum from Salt Lake City twice requested that Pleasant Grove allow it to erect a stone monument which would contain the Seven Aphorisms of Summum. The monument would be similar in size and shape to the Ten Commandments monument. The City denied the requests, saying that its practice was to limit monuments to those

that directly relate to the history of Pleasant Grove or were donated by groups with longstanding ties to the Pleasant Grove community. The next year, the City passed a resolution putting this policy into writing and mentioning other criteria, including safety and esthetics.

The central belief of the Summum religion is that Seven Aphorisms were inscribed on the original tablets that God gave Moses. Moses believed that the Israelites were not ready to receive the Aphorisms. He shared them only with a select group of people before destroying them. Then he traveled back to Mount Sinai and returned with a second set of tablets containing the more widely-known Ten Commandments.

Summum sued the City, and the Supreme Court issued its decision in favor of Pleasant Grove on February 25, 2009. The Court said (with no dissenting votes but some concurring opinions) that "A government entity has the right to 'speak for itself'" and decide what

to put on its property. "Just as government-commissioned and government-financed monuments speak for the government, so do privately financed and donated monuments that the government accepts and displays to the public on government land." Pleasant Grove had never opened up its park for the placement of whatever permanent markers people might offer. While the City might not be allowed to favor one speaker over another, or one parade over another, it could constitutionally favor one monument over another on its own property. As the Court said, "public parks can accommodate only a limited number of permanent monuments....Speakers, no matter how long-winded, eventually come to the end of their remarks; persons distributing leaflets and carrying signs at some point tire and go home; monuments, however, endure."

The case is Pleasant Grove City, Utah v. Summum, 2009 WL 454299 (US 2009). ♦

Fired For Being A Vegetarian

Ryan Pacifico has filed a lawsuit in New York against his former employer, Calyon in the Americas. He said that his boss mocked him and called him a "homo" for not eating meat. Eventually, he said, he was fired for being a vegetarian.

According to Mr. Pacifico's complaint, his boss, Robert Catalanello, asked him, "You don't even eat steak, dude. At what point in time did you realize you were gay?" Mr. Pacifico, who is married to a woman, told the New York Post that he found his boss's questions "bizarre." He said his work had

been going great and that he had received stellar reviews before Mr. Catalanello discovered that he didn't eat meat.

Mr. Pacifico said that Mr. Catalanello ordered only meat items for the weekly team lunches. He told Mr. Pacifico, "I'm only ordering burgers. If you don't eat meat, that's too bad. I don't care." Mr. Catalanello chose a steakhouse for a teambuilding dinner. When another broker suggested they go to another restaurant because Mr. Pacifico doesn't eat meat, Mr. Catalanello allegedly replied, "What's

wrong with you? We're going anyway." When someone asked what Mr. Pacifico would eat at the steakhouse, Mr. Catalanello said, "Who the f___ cares? It's his fault for being a vegetarian homo."

Being a vegetarian is not a protected classification under civil rights laws, but New York does protect people from discrimination based on sexual orientation and possibly from perceived sexual orientation. In addition, if Mr. Pacifico is a vegetarian for religious reasons, he may have a religious discrimination case. ♦